IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY THIRD DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12905 of 2004

Between:

Saraswathi Singh, D/o Balaram Singh,
Occ: Housewife, W /o 11-5-95 to 101, Bazzar Ghat, Nampally, Hyderabad

..... PETITIONER

AND

1 The Regional Joint Commissioner, Endowments Department, Boggulakunta, Hyderabad
2 The Dy.Commissioner, Endowments Department, Boggulakunta, Hyderabad
3 The Asst.Commissioner, Endowments Department, Boggulakunta, Hyderabad
4 Single Trustee, Sri Kalabhairava Swamy Temple, Bazaar Ghat, Nampally, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents as illegal, void, arbitrary and against the principles of natural justice and consequently direct the first respondent the Regional Joint Commissioner, Endowments, Hyderabad to dispose of the Revision Petition No.885 of 2004 filed by the petitioner herein without taking any coercive steps to evict the petitioner from the premises bearing Municipal No.11-5-95 to 101, situate at Bazaar Ghat, Nampally, Hyderabad admeasuring 1000 Sq.Yards.

Counsel for the Petitioner : MR.SRINIVASA MURTHY CHEEDELLA

Counsel for the Respondents 1 to 3 : GP FOR ENDOWMENTS

Counsel for the respondent No.4 : Mr. K.Durga Prasad

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.12905 OF 2004

ORAL ORDER :

Heard the learned Counsel for the petitioner, the learned Counsel for the 4th respondent and the learned Government Pleader for Endowments appearing for the respondents 1 to 3.

The petitioner, by order dated 07-07-2004 in O.A.No.18 of 2004 passed by the 2nd respondent - Deputy Commissioner of Endowments, Hyderabad, was declared as an encroacher in respect of the endowed property of the 4th respondent – Sri Kalabhairava Swamy Temple. She was directed to vacate and deliver the vacant possession of the premises in question within 15 days from the date of the order. The petitioner sates that the said order has been served on her on 12-07-2004 and immediately thereafter she preferred a Revision (R.P.No.885 of 2004) before the 1st respondent- Regional Joint Commissioner, Endowments Department, Hyderabad along with an application seeking stay of the order in O.A.No.18 of 2004. The

grievance of the petitioner is that the first respondent has not yet considered her application for stay and no orders have been passed, but in the meanwhile steps are being taken by the fourth respondent to dispossess her from the premises in question. Since admittedly the Revision Petition preferred by the petitioner is pending before the first respondent who is conferred with the powers of revision under the statute, I am not inclined to express any opinion on merits of the case. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the application for stay filed by the petitioner i.e., I.A.No.886 of 2004 in R.P.No.885 of 2004 and to pass appropriate orders in accordance with law within two weeks from the date of receipt of this order. There shall be a further direction to the respondents not to dispossess the petitioner from the premises in question till the said Application is disposed of.

Accordingly, the Writ Petition is disposed of. No costs.

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23rd July, 2004.

gbs

To

1 The Regional Joint Commissioner, Endowments Department, Boggulakunta, Hyderabad
2 The Dy.Commissioner, Endowments Department, Boggulakunta, Hyderabad
3 The Asst.Commissioner, Endowments Department, Boggulakunta, Hyderabad

4 Single Trustee, Sri Kalabhairava Swamy Temple, Bazaar Ghat, Nampally, Hyderabad

5.2CCs to G.P. for Endowments, High Court Bldgs, Hyderabad. (OUT).

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